

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADARUS MAZIO BLACK,

Defendant.

Case Number: 07-20535

HON. MARIANNE O. BATTANI

**ORDER DENYING DEFENDANT’S MOTION TO PROCEED ON APPEAL IN
FORMA PAUPERIS AND TO APPOINT COUNSEL**

This matter is before the Court on Defendant Adarus Black’s Motion to Proceed on Appeal In Forma Pauperis, to Waive the Cost for the Notice of Appeal, and to Appoint Counsel. (Doc. 182). Under Federal Rule of Appellate Procedure 24(3), a party “who was determined to be financially unable to obtain an adequate defense in a criminal case[] may proceed on appeal in forma pauperis without further authorization.” The Court determined that Black was “financially unable to obtain an adequate defense” and appointed counsel to represent Black on July 26, 2009. (See doc. 108). Accordingly, Black does not need any further authorization in order to proceed *in forma pauperis* on appeal. In addition, Black’s request for the appointment of counsel is moot as the Sixth Circuit issued a January 26, 2009, order stating that it will appoint counsel to represent Black under the Criminal Justice Act.

Accordingly, the Court **DENIES** Black's Motion to Proceed on Appeal In Forma Pauperis, to Waive the Cost for the Notice of Appeal, and to Appoint Counsel.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: January 28, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and/or electronic filing.

s/Marianne O. Battani
Deputy Clerk